

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SPERO HARITATOS, an individual

Plaintiff,

vs.

HASBRO, INC., a Rhode Island corporation
and TOYS “R” US-NY LLC,
a New York limited liability company

Defendants.

Civil Action No. 05-CV-930 (DNH)(GJD)

NOTICE OF MOTION

Plaintiff SPERO HARITATOS, (“Plaintiff”), by and through his undersigned attorneys,
hereby submit this Notice Of Motion, alerting the Court to Plaintiff’s Motion For Sanctions In
The Nature Of Judgment Against Defendant Toys “R” Us-NY LLC.

MOTION MADE BY:

Wall Marjama & Bilinski LLP

Attorneys for Plaintiff

**DATE, TIME, AND
PLACE OF HEARING:**

April 14, 2006, at _____ A.M. at the U.S. District Court,
10 Broad Street Utica, NY 13501 before the Hon. Judge
David N. Hurd.

PAPERS SUBMITTED:

In addition to this Notice Of Motion, the following papers are submitted: Plaintiff's Memorandum Of Law In Support Of Its Motion For Sanctions In The Nature Of Judgment Against Defendant Toys "R" Us-NY LLC (including Exhibits A – F); Affidavit Of Robert E. Purcell In Support Of Its Motion For Sanctions In The Nature Of Judgment Against Defendant Toys "R" Us-NY LLC (including Exhibits A – F) and Certificate Of Service.

RELIEF DEMANDED:

Spero Haritatos respectfully prays for the imposition of sanctions in the nature of judgment against Defendant Toys "R" Us-NY LLC under Rule 26(g)(3) from the Court based upon Defendant Toys "R" Us –NY LLC's grossly belated, insufficient initial disclosures and its other litigation misconduct of failing to provide any responses to Plaintiff's long-outstanding discovery requests.

(signature block on next page)

Respectfully submitted,

Dated: February 14, 2006
Syracuse, New York

SPERO HARITATOS
By his attorneys,

/s/ Robert E. Purcell

Robert E. Purcell, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of February, 2006, I electronically filed **PLAINTIFF’S NOTICE OF MOTION FOR SANCTIONS IN THE NATURE OF JUDGMENT AGAINST DEFENDANT TOYS “R” US-NY LLC** with the Clerk of the United States District Court, Northern District of New York, using the CM/ECF system, which is believed to have sent notification of such filing to the following:

Kim J. Landsman (kjlandsman@pbwt.com; cbelanger@pbwt.com); and
John G. McGowan (jmcgowan@bsk.com; pkeen@bsk.com)

Dated: February 14, 2006

/s/ Robert E. Purcell

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